

**REMARKS**

Claims 1-11 are pending in this application. By this Amendment, claims 6-11 are added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Rao in the May 8 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Claims 1-5 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,310,674 to Suzuki et al. (hereinafter "Suzuki") and U.S. Patent No. 4,838,653 to Mohebban. The rejection is respectfully traversed.

Neither Suzuki nor Mohebban describe "two types of particles of different colors and different electric characteristics all sealed in an inner space formed by the pair of substrates and the spacer," as recited in claim 1. Both references teach the use of a liquid crystal display. It is well known in the art that liquid crystals are anisotropic liquids and do not comprise "particles of different colors and different electric characteristics."<sup>1</sup> Furthermore, the Office Action alleges that Suzuki describes "two types of particles of different colors" by employing a color filter 23 comprising color pixels (col. 7, lines 61-65). These "pixels" are not separate particles. They are merely small colored segments of the display in a pixilated arrangement of a single color filter layer disposed within a single substrate (col. 7, lines 61-65; col. 13, 32-37; col. 14, lines 21-24).

During the interview the Examiner presented the argument that the 1000 Å-thick metal film that coats the 1.1mm-thick glass substrate by sputtering may be considered the particles of claim 1 once the metal coating is covered by photosensitive colored resin (col. 13, lines 28-36). This argument is flawed for a number of reasons.

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<sup>1</sup> Van Nostrand's Scientific Encyclopedia, 8<sup>th</sup> Edition; McGraw-Hill Dictionary of Scientific and Technical Terms, 6<sup>th</sup> Edition.

First, there is no evidence in either of the applied references, or presented by the Examiner, that sputtering inherently provides a film of particles. For a product to be the inherent result of a process, no other product may result from that process. However, Suzuki discloses a 1000 Å-thick metal film resulting from the sputtering, not particles (col. 13, lines 28-31) and Applicants disclose a film resulting from sputtering rather than particles (page 4, lines 22-24).

Second, assuming sputtering in fact inherently results in the deposition of particles, the colored resin is deposited on top of the 1000 Å-thick layer of particles and does not individually coat each particle. <sup>why?</sup> Therefore the resulting structure is a layer of identical metal particles (assuming sputtering results in particles) with a layer of colored resin on the layer of particles, not a layer of resin coating each individual particle. Therefore, the Examiner's argument does not describe "two types of particles of different colors and different electrical characteristics," as recited in claim 1.

Third, the 1.1 mm-thick glass substrate 1, coated with the 1000 Å-thick metal film and then coated with the colored resin, is subsequently coated by a 1.5 µm-thick flattening layer 24, a 700 Å-thick ITO film 25, a 2 µm-thick photoresist pattern 26, and an insulating layer, to "provide one treated substrate" (col. 13, line 38 - col. 14, line 24). Therefore, assuming the 1000 Å-thick metal film coated with colored resin were "two types of particles of different colors," those particle would be part of one treated substrate, not "sealed in an inner space formed by the pair of substrates and the spacer," as recited in claim 1.

Because neither Suzuki nor Mohebban disclose, teach or suggest "two types of particles of different colors and different electric characteristics all sealed in an inner space formed by the pair of substrates and the spacer," they do not render claim 1 obvious under 35 U.S.C. §103(a). Further, it is respectfully submitted that claims 2-5 are patentable at least in view of the patentability of claim 1, from which they respectively depend, as well as for

the additional features they recite. Therefore, it is respectfully requested that the rejection be withdrawn.

By this Amendment claims 6-11 are added. Claims 6-11 either directly or indirectly depend from claim 1. Therefore, it is respectfully submitted that claims 6-11 are patentable at least in view of the patentability of claim 1, from which they respectively depend, as well as for the additional features they recite.

Claim 6 recites that one of the two types of particles is "electroconductive" and the other is "insulating." Neither Suzuki nor Mohebban describe "one of the two types of particles is electroconductive and the other of the two types of particles is insulating." Support for claim 6 may be found on page 6, lines 4-14 of Applicants' specification.

Claims 7 and 8 recite the preferred dimensions of the particles. Neither Suzuki nor Mohebban describe "two types of particles have a particle size from 1  $\mu\text{m}$  to 1000  $\mu\text{m}$ ." Support for claims 7 and 8 may be found on page 8, lines 3-4 of Applicants' specification.

Claim 9 recites a feature of an electrophoretic display. Specifically, that the particles will move to one or the other substrate under the influence of an electric field. Neither Suzuki nor Mohebban describe "the particles move to one or the other of the pair of substrates when an electric field is applied between the two substrates." Support for claim 9 may be found on page 1, lines 17-21 of Applicants' specification.

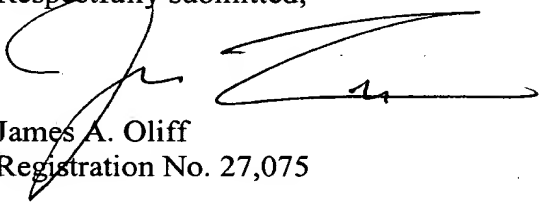
Claim 10 recites that the display is electrophoretic. Both Suzuki and Mohebban disclose LCD displays, not "electrophoretic displays." Support for claim 10 may be found on page 1, line 10 of Applicants' specification.

Claim 11 recites that the particles, when triboelectrically charged, form an image. Neither Suzuki nor Mohebban describe "the particles are triboelectrically charged to form an image." Support for claim 11 may be found on page 1, lines 24-25 of Applicants' specification.

In view of the foregoing, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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